

# HOUSE JOURNAL

OF THE

## IDAHO LEGISLATURE

SECOND REGULAR SESSION  
SIXTY-FIRST LEGISLATURE

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NINETEENTH LEGISLATIVE DAY  
FRIDAY, JANUARY 27, 2012

House of Representatives

The House convened at 8:30 a.m., the Speaker in the Chair.

Roll call showed 63 members present.

Absent and excused – Eskridge, Hartgen, McGeachin, Nielsen, Ringo, Schaefer, Smith(24). Total – 7.  
Total – 70.

Prayer was offered by Chaplain Tom Dougherty.

The Pledge of Allegiance was led by Jakob Goold, Page.

### Approval of Journal

January 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have read and approved the House Journal of the Eighteenth Legislative Day and recommend that same be adopted as corrected.

WILLS, Chairman

Mr. Wills moved that the report be adopted. Seconded by Mr. Burgoyne. Report adopted.

There being no objection, the House advanced to the Fifth Order of Business.

### Report of Standing Committees

January 27, 2012

Mr. Speaker:

We, your COMMITTEE ON JUDICIARY, RULES, AND ADMINISTRATION, report that we have printed [HJM 5](#), [HJM 6](#), [H 417](#), [H 418](#), [H 419](#), [H 420](#), [H 421](#), [H 422](#), [H 423](#), [H 424](#), and [H 425](#).

WILLS, Chairman

[HJM 5](#), [HJM 6](#), and [H 425](#) were referred to the State Affairs Committee.

[H 417](#) was referred to the Revenue and Taxation Committee.

[H 418](#) was referred to the Commerce and Human Resources Committee.

[H 419](#), [H 420](#), [H 421](#), [H 422](#), and [H 423](#) were referred to the Business Committee.

[H 424](#) was filed for second reading.

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON REVENUE AND TAXATION, report that we have had under consideration [H 387](#) and report it back with amendments attached to be placed on General Orders for consideration.

LAKE, Chairman

[H 387](#) was placed on General Orders for consideration.

January 26, 2012

Mr. Speaker:

We, your COMMITTEE ON AGRICULTURAL AFFAIRS, report that we have had under consideration [H 412](#) and recommend that it do pass.

ANDRUS, Chairman

[H 412](#) was filed for second reading.

There being no objection, the House advanced to the Seventh Order of Business.

### Motions, Memorials, and Resolutions

#### HOUSE CONCURRENT RESOLUTION NO. 30 BY CRONIN

##### A CONCURRENT RESOLUTION

STATING FINDINGS OF THE LEGISLATURE AND AUTHORIZING THE LEGISLATIVE COUNCIL TO APPOINT A COMMITTEE TO UNDERTAKE AND COMPLETE A STUDY OF THE FEASIBILITY OF CREATING A STATE-OWNED BANK.

Be It Resolved by the Legislature of the State of Idaho:

WHEREAS, the banking industry is a vital component to the economy in the State of Idaho; and

WHEREAS, the State of North Dakota has established a state-owned and state-secured bank; and

WHEREAS, in North Dakota all state funds, as well as funds administered by state and local agencies, are deposited with the Bank of North Dakota, creating a large deposit base; and

WHEREAS, in addition to paying a competitive interest rate to the State Treasurer, the Bank of North Dakota also invests its money in loan programs to spur economic development within the state; and

WHEREAS, the Bank of North Dakota regularly turns over a portion of its profits to the state general fund; and

WHEREAS, over the past decade, the Bank of North Dakota has turned over approximately one-third of \$1,000,000,000 to the state general fund; and

WHEREAS, despite the recent financial crisis, the Bank of North Dakota earned profits in 2008, with net earnings of approximately \$57,000,000; and

WHEREAS, rather than competing with private banks, the Bank of North Dakota has created partnerships with other North Dakota financial institutions to assist them in meeting the needs of the citizens of North Dakota; and

WHEREAS, the Bank of North Dakota has promoted agriculture, education, community development, economic development, housing and industry by helping to stabilize the state's economy; and

WHEREAS, the Bank of North Dakota uses the resources of the people within the state and leverages the state's financial capital and resources to support the common good and public benefit of the state; and

WHEREAS, a state-owned bank may work in partnership with financial institutions, community-based organizations,

economic development groups, guaranty agencies and other stakeholder groups to better the state's economy; and

WHEREAS, additional states may also be exploring the idea of creating a state-owned bank.

NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Session of the Sixty-first Idaho Legislature, the House of Representatives and the Senate concurring therein, that the Legislative Council is authorized to appoint a committee to undertake and complete a study of the feasibility of creating a state-owned bank for the State of Idaho. The Legislative Council shall determine the number of legislators and membership from each house appointed to the committee and shall authorize the committee to receive input, advice and assistance from interested and affected parties who are not members of the Legislature.

BE IT FURTHER RESOLVED that nonlegislative members of the committee may be appointed by the cochairs of the committee who are appointed by the Legislative Council. Nonlegislative members of the advisory committee shall not be reimbursed from legislative funds for per diem, mileage or other expenses and shall not have voting privileges regarding the committee's recommendations or proposed legislation. It is legislative intent that the Director of the Department of Finance and the State Treasurer assist the interim committee in its deliberations.

BE IT FURTHER RESOLVED that the committee shall report its findings, recommendations and proposed legislation, if any, to the First Regular Session of the Sixty-second Idaho Legislature.

**HCR 30** was introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

**Introduction, First Reading, and Reference  
of Bills and Joint Resolutions**

**HOUSE BILL NO. 426  
BY EDUCATION COMMITTEE**

AN ACT

RELATING TO EDUCATION; TO PROVIDE A PURPOSE; AMENDING CHAPTER 16, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-1628, IDAHO CODE, TO ESTABLISH THE "8 IN 6 PROGRAM," TO ESTABLISH PROVISIONS RELATING TO THE STATE DEPARTMENT OF EDUCATION PAYING FOR CERTAIN OVERLOAD COURSES AND SUMMER COURSES, TO ESTABLISH CRITERIA RELATING TO PARTICIPATION IN THE PROGRAM, TO ESTABLISH PROVISIONS RELATING TO ELIGIBLE COURSES, TO PROVIDE FOR RULES AND TO PROVIDE DEFINITIONS.

**HOUSE BILL NO. 427  
BY CHEW**

AN ACT

RELATING TO DEEDS OF TRUST AND MONEY JUDGMENTS; AMENDING SECTION 45-1512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH A CERTAIN MONEY JUDGMENT MAY BE SOUGHT.

**HOUSE BILL NO. 428  
BY CHEW**

AN ACT

RELATING TO ELECTIONS; AMENDING SECTION 34-1002, IDAHO CODE, TO PROVIDE THAT AN ELECTOR MAY ELECT TO HAVE AN ABSENTEE BALLOT SENT TO HIS OR HER RESIDENCE ON A PERMANENT BASIS BY

SIGNING A FORM SUPPLIED TO THE COUNTY CLERK, TO PROVIDE THAT IF SUCH ELECTION IS MADE THE ELECTOR SHALL RECEIVE AN ABSENTEE BALLOT FOR ALL ELECTIONS CONDUCTED BY THE COUNTY CLERK AND SHALL BE INELIGIBLE TO VOTE AT THE POLLS IN SUCH ELECTION AND TO MAKE A TECHNICAL CORRECTION.

**HOUSE BILL NO. 429  
BY CRONIN**

AN ACT

RELATING TO PUBLIC WORKS CONTRACTS; TO PROVIDE A SHORT TITLE; REPEALING CHAPTER 10, TITLE 44, IDAHO CODE, RELATING TO PUBLIC WORKS CONTRACTS; AMENDING TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 10, TITLE 44, IDAHO CODE, TO DEFINE TERMS, TO PROVIDE PREFERENCE FOR RESIDENT CONTRACTORS WITH LIMITATIONS, TO PROVIDE FOR DECERTIFICATION, TO PROVIDE DENIAL OF APPLICATION FOR RESIDENCY, TO PROVIDE LIMITATION ON SUBCONTRACTING BY RESIDENT CONTRACTORS, TO PROVIDE PREFERENCE FOR IDAHO LABOR AND MATERIALS IN CONTRACTS, TO PROVIDE PREFERENCE FOR IDAHO MATERIALS AND IDAHO AGRICULTURAL PRODUCTS REQUIRED IN PUBLIC PURCHASES WITH EXCEPTIONS, TO PROVIDE FOR STATEMENT OF IDAHO MATERIALS PREFERENCE IN REQUESTS FOR BIDS AND PROPOSALS, TO PROVIDE FOR IDAHO MATERIALS PREFERENCE REQUIRED IN CONSTRUCTION OR MAINTENANCE OF PUBLIC STRUCTURES, TO PROVIDE FOR GOVERNING OF FEDERAL FUNDS BY FEDERAL LAW AND TO PROVIDE FOR CAPITAL CONSTRUCTION PROJECTS RESTRICTIONS, PREFERENCE REQUIREMENTS AND WAIVERS; PROVIDING AN EFFECTIVE DATE AND PROVIDING APPLICATION.

**HOUSE BILL NO. 430  
BY HART**

AN ACT

RELATING TO LEGAL TENDER; PROVIDING LEGISLATIVE FINDINGS AND STATEMENT OF POLICY; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4601, IDAHO CODE, TO PROVIDE A SHORT TITLE; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4602, IDAHO CODE, TO PROVIDE DEFINITIONS; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4603, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE DESIGNATION OF CERTAIN LEGAL TENDER; AMENDING CHAPTER 46, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-4604, IDAHO CODE, TO ESTABLISH PROVISIONS RELATING TO THE PROHIBITION OF CERTAIN FORMS OF TAXATION UPON CERTAIN TRANSACTIONS AND TO PROVIDE FOR A CIVIL SUIT AND THE AWARDED OF CERTAIN COSTS; AND PROVIDING SEVERABILITY.

**HOUSE BILL NO. 431  
BY HART**

AN ACT

RELATING TO AGRICULTURE; AMENDING TITLE 22, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 13, TITLE 22, IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE FOR THE IDAHO

FARM FREEDOM ACT, TO DEFINE TERMS, TO PROVIDE FOR THE PURPOSE OF THE ACT, TO PROVIDE FOR EXEMPTION FROM LICENSING REQUIREMENTS FOR CERTAIN SMALL FARM PRODUCERS AND PROCESSORS, TO PROVIDE EXEMPTION FROM CERTAIN LICENSING, CERTIFICATION AND INSPECTION, TO PROVIDE FOR PRODUCT TRANSACTIONS, TO PROVIDE THAT CERTAIN FOOD SHALL NOT BE SOLD OR USED IN COMMERCIAL FOOD ESTABLISHMENTS UNLESS THE FOOD HAS BEEN LICENSED, REGULATED AND INSPECTED, TO PROVIDE REQUIREMENTS FOR PRODUCTS SOLD AT FARMERS' MARKETS, TO PROVIDE THAT PROVISIONS SHALL NOT BE CONSTRUED TO IMPEDE INVESTIGATIONS OF OUTBREAKS OF FOOD BORNE ILLNESSES BY THE DEPARTMENT OF HEALTH AND WELFARE AND TO PROVIDE THAT PROVISIONS SHALL NOT BE CONSTRUED TO CHANGE REQUIREMENTS ASSOCIATED WITH BRAND INSPECTIONS AND ANIMAL HEALTH INSPECTIONS.

**HOUSE BILL NO. 432**

**BY KING**

AN ACT

RELATING TO EMPLOYER DUTIES; AMENDING CHAPTER 2, TITLE 44, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 44-204, IDAHO CODE, TO REQUIRE A MEAL PERIOD AND TO PROVIDE ENFORCEMENT AUTHORITY.

**HOUSE BILL NO. 433**

**BY CHEW**

AN ACT

RELATING TO THE HEALTH INSURANCE EXCHANGE; AMENDING TITLE 41, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 63, TITLE 41, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE FOR LEGISLATIVE PURPOSE AND INTENT, TO DEFINE TERMS, TO PROVIDE FOR ESTABLISHMENT OF THE EXCHANGE AND BOARD, TO PROVIDE FOR CONFLICTS OF INTEREST, TO PROVIDE FOR A PLAN OF OPERATION FOR THE EXCHANGE, TO PROVIDE FOR POWERS AND AUTHORITY OF THE BOARD, TO PROVIDE FOR THE ROLE AND REGISTRATION OF NAVIGATORS AND TO PROVIDE FOR REPORTING BY THE EXCHANGE; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY.

**HOUSE BILL NO. 434**

**BY CHEW**

AN ACT

RELATING TO DEEDS OF TRUST AND MONEY JUDGMENTS; AMENDING SECTION 45-1512, IDAHO CODE, TO REVISE PROVISIONS RELATING TO THE TIME IN WHICH A CERTAIN MONEY JUDGMENT MAY BE SOUGHT AND PROVIDING THAT NO ACTION MAY BE MAINTAINED RELATING TO CERTAIN PROPERTY.

**HOUSE BILL NO. 435**

**BY CRONIN**

AN ACT

RELATING TO REVENUE AND TAXATION; AMENDING CHAPTER 1, TITLE 63, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 63-120, IDAHO CODE, TO ESTABLISH THE IDAHO CORPORATE TAX

INCENTIVE ACCOUNTABILITY ACT, TO PROVIDE DEFINITIONS, TO PROVIDE CERTAIN REPORTING REQUIREMENTS, TO PROVIDE FOR A CIVIL PENALTY, TO PROVIDE FOR EXCLUSIONS AND TO PROVIDE FOR RULES.

**HOUSE BILL NO. 436**

**BY RUSCHE**

AN ACT

RELATING TO COUNTY CENTRAL COMMITTEES AND LEGISLATIVE DISTRICT CENTRAL COMMITTEES; AMENDING SECTION 34-502, IDAHO CODE, TO PROVIDE FOR COUNTY CENTRAL COMMITTEES TO MEET WITHIN TEN DAYS AFTER THE GENERAL ELECTION; AMENDING SECTION 34-503, IDAHO CODE, TO PROVIDE FOR LEGISLATIVE DISTRICT CENTRAL COMMITTEES TO MEET WITHIN ELEVEN DAYS AFTER THE GENERAL ELECTION; AND DECLARING AN EMERGENCY.

[H 426](#), [H 427](#), [H 428](#), [H 429](#), [H 430](#), [H 431](#), [H 432](#), [H 433](#), [H 434](#), [H 435](#), and [H 436](#) were introduced, read the first time by title, and referred to the Judiciary, Rules, and Administration Committee for printing.

There being no objection, the House advanced to the Tenth Order of Business.

**Second Reading of Bills and Joint Resolutions**

[H 402](#) and [HJM 4](#), by Judiciary, Rules, and Administration Committee, were read the second time by title and filed for third reading.

[SJR 102](#), by Judiciary and Rules Committee, was read the second time by title and filed for third reading.

[S 1224](#), by Education Committee, was read the second time by title and filed for third reading.

There being no objection, the House advanced to the Sixteenth Order of Business.

**Adjournment**

Mr. Moyle moved that the House adjourn until 11 a.m., Monday, January 30, 2012. Seconded by Mr. Rusche. Motion carried.

Whereupon the Speaker declared the House adjourned at 8:43 a.m.

LAWRENCE DENNEY, Speaker

ATTEST:

BONNIE ALEXANDER, Chief Clerk